



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

MEH:ddj
Docket No: 230-00
11 April 2000

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your deceased spouse's naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 11 April 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your spouse's naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by BUPERS memorandum of 6 March 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request. Board regulations state that personal appearances before the Board are not granted as a right, but only when the Board determines that such an appearance is necessary. In your case, the Board determined a personal appearance was not necessary and considered your case based on the evidence of record.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY

NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

6 Mar 00

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: Assistant for BCNR Matters (PERS-OOXCB)

Subj: COMMENTS AND RECOMMENDATION ICO [REDACTED]

Ref: (a) BCNR memo of 21 Jan 00
(b) DOD Financial Management Regulation (Vol 7B)

1. Per reference (a), recommend BCNR not correct Chief Alspaugh's record to reflect that [REDACTED] his current spouse, is his Survivor Benefit Plan (SBP) eligible beneficiary.

2. The recommendation is based on the following:

a. [REDACTED] transferred to the Fleet Reserve on 15 December 1966. He enrolled in SBP spouse and child coverage on 3 November 1972.

On

b. [REDACTED] was married and divorced three times. On 8 December 1998, he married Mrs. [REDACTED]

c. Per reference (b), [REDACTED] notified the Defense Finance & Accounting Service-Cleveland to enroll his new spouse, [REDACTED] into the Survivor Benefit Plan (SBP) spouse coverage. His date of marriage was 8 December 1998 and he died on 3 August 1999. In view of reference (b), he did not meet the required one-year survival period to allow his new spouse to receive an annuity. [REDACTED], his third spouse qualifies as the SBP eligible beneficiary.

M. P. WARDLAW
Head, Navy Retired Activities
Branch (PERS-622)